

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MARVIN HILLMAN, III	:	
Petitioner,	:	
	:	
v.	:	Case No. 5:24-cv-00169-MTT-CHW
	:	
Warden ANDREW McFARLANE,	:	Proceedings Under 28 U.S.C. § 2254
Respondent.	:	Before the U.S. Magistrate Judge
	:	

ORDER

Before the Court is Petitioner’s motion for appointment of counsel to assist him in this Section 2254 petition, which challenges his 2007 convictions in the Superior Court of Peach County. (Doc. 16). No constitutional right to counsel exists in Section 2254 proceedings. *See McGriff v. Dep’t of Corrs*, 338 F.3d 1231, 1234 (11th Cir. 2003). Rather, the Court may appoint counsel for any financially eligible person seeking relief under section 2241, 2254, or 2255 of Title 28 if the “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B).

Petitioner argues that he is at a legal disadvantage and requires appointed counsel because his previous appellate counsel no longer represents him, he is unable to hire another attorney, and he does not know the law. Appointment of counsel is not warranted in a habeas case simply because Petitioner is self-represented and without legal training. The docket reflects that Petitioner has been able to file and recast his petition, which set out the procedural history of his case and raised several grounds challenging his conviction. Petitioner has not demonstrated that the interests of justice require the

appointment of counsel. Accordingly, his motion for appointment of counsel (Doc. 16) are **DENIED**.

Petitioner is advised that should it later become apparent to the Court that legal assistance is required to avoid prejudice to Petitioner's rights, then the Court, **on its own motion**, will assist Petitioner in securing counsel at that time.

SO ORDERED, this 20th day of November, 2024.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge